

Appl. No. 09/920,450  
Amdt. dated January 26, 2004  
Reply to Office action of September 26, 2003

#### REMARKS

Reconsideration is respectfully requested. Claims 1-9 are present in the application. No amendments are made herein.

Claims 1-9 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Batchelder et al. Applicant respectfully traverses.

Batchelder is different from the claims in that it is, for example, concerned with inspection of semiconductor wafers, not phase shift masks. The claims, all recite a defect inspection apparatus for a phase shift mask. Thus, Batchelder cannot anticipate the claims.

Further, it is submitted that the document does not suggest the claimed invention either. The features of the cited patent are that because the object to be inspected by the cited patent is a wafer, it indispensably needs an optical apparatus wherein infrared rays are used in order to pass light through the wafer, and a prism (plano-convex lens) for coupling high-angle rays into the wafer (object) is brought into close contact with the object. The cited patent's disclosure cannot perform inspection without the optical apparatus.

It is noted that in column 3, lines 28-31, the cited Batchelder document states:

While the discussion below concerns

inspection of semiconductor wafers, it is

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equally applicable to the internal inspection of other materials having relatively high indices of refraction, such as glass and water.

However, this statement in the cited reference that it is also applicable to objects other than wafers merely means that the optical apparatus having the above described conditions is applicable to materials having relatively high indices of refraction, such as glass and water. Such an optical apparatus is not necessary for the inspection of a shifter configuration formed on a glass substrate, e.g. a mask.

The cited Batchelder document is a patent concerning an optical structure essential for the inspection of trenches formed on a wafer. The cited patent is for a special optical apparatus that is not necessary at all for mask shifter inspection with which applicant's claimed invention is concerned.

Applicant's claimed invention is an inspection apparatus wherein light is applied normally to an object to be inspected, and an optical change in light reflected from the object is converted into an electric signal to perform inspection without requiring a highly advanced optical system that is brought into close contact with the object to be inspected. The inspection performed by the claimed invention is different in structure from the cited reference.

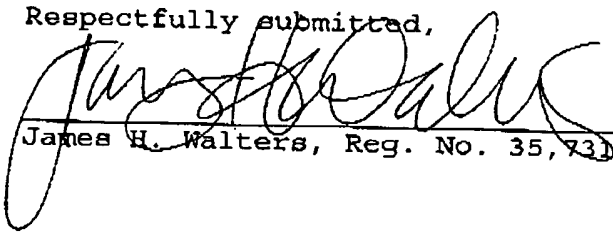
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Applicant did not intend to use infrared rays transmitted through a special wafer or the like because we aimed at mask inspection from the beginning. Further, applicant's invention needs no high angle light incidence. Therefore, one of skill in the art would not be motivated or helped to produce applicant's claims by consideration of the cited Batchelder document.

In light of the above remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

Respectfully submitted,

  
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